



FW: Scott Spencer letter dated 4-19-03

DC Orr

to:

Mike Cirian, Eileen Collins, Lawrence Grandison, Victor Ketellapper, Andy Lensink, Ted Linnert, Bill Murray, Sonya Pennock, Rebecca Thomas, ropper

09/07/2010 10:23 AM

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Ms. Pennock;

Here is some new information on the iswsue of restoration of OU-1 which proves that the letter Libby City Attorney Scott Spencer wrote on 4-19-03 was designed to deceive and defraud the people of Libby out of their rightful restoration compensation. You and Mr. Lensink have hung your hats on a lie.

Mr. Spencer mentions a "decision" that came about from discussions between himself and two councilmen. Mr. Stephens was not even on the council at the time in question. Mr. Stephens firmly states that he never signed off on any finalization on that property.

I am pursuing a similar narrative from Mr. George Bauer and will forward that to you to further disprove EPAs' position on this issue.

Mr. Spencer will also be contacted, but I expect him to take a lawyerly stance and issue no statement of worth explaing why his letter asking for new buildings and his letter of 4-19-03 contain such contradictory positions.

Sincerely, DC Orr

From: xcav8orr@hotmail.com

To: earle.sean@epa.gov; catharine_ransom@baucus.senate.gov

Subject: FW: Scott Spencer letter dated 4-19-03

Date: Mon, 6 Sep 2010 19:09:05 -0600

From: manager@hornrapidsrvresort.com

To: xcav8orr@hotmail.com

Subject: RE: Scott Spencer letter dated 4-19-03

Date: Mon, 6 Sep 2010 17:50:49 -0700

DC,

I have no recollection of ever having a meeting with Scott Spencer and George Bauer about the final remediation of the Export Plant property. I do remember the water line being brought up during council business as part of the remediation plan. I am not sure who it was that brought it up at that time. I never signed off on any finalization of that property. I had worked on two (2) different aspects of the property where full council was not involved. First, the \$500,000 offer from W R Grace that was removed from the table before the offer was officially made due to EPA's insistence that the property was going to be cleaned no matter who owned it. At that time WR Grace thought that if they owned the property again, they could cap it with no clean up. EPA said no. Consequently, no offer was made and we left the building. The other time was when George Bauer, Ken Sorenson, and I met with Jim Stout and a lady attorney for WR Grace. Our request was to have written guarantee that WR Grace, and not the City of Libby, would be the responsible party should any of the City's renters have claims of asbestosis. WR Grace agreed to this at our meeting, but would not agree to the deal at the next council meeting.

Mr. Spencer's letter of 4/19/03 was 6 months after I resigned from council. The 6 months prior to my resignation,

I was not involved with any part of the Export Plant discussions, as I had taken on the first union contract and negotiations. All of my time was devoted to those negotiations other than normal council business.

Thanks for keeping me posted on this issue.

Dan Stephens

-----Original Message-----

From: DC Orr [<mailto:xcav8orr@hotmail.com>]

Sent: Monday, September 06, 2010 9:53 AM

To: manager@hornrapidsrvresort.com; catharine_ransom@baucus.senate.gov; earle.sean@epa.gov; pennock.sonya@epamail.epa.gov

Subject: Scott Spencer letter dated 4-19-03

Mr. Stephens;

Scott Spencer wrote a letter on 4-19-03, when he was City Attorney for Libby, to update the Mayor and Council on the status of OU-1, the Export Plant, owned by the City of Libby. He mentions a discussion with you and George Wood in that letter.

First, I expect he meant Councilman George Bauer, not George Wood. The discussion revolved around a letter from the City to EPA requesting that four new buildings and a waterline be installed to replace the lost infrastructure demolished by EPA and Grace as part of the cleanup of OU-1.

Mr. Spencer states that this discussion with Mr. Bauer and you, "primarily with Dan Stephens", resulted in a decision "that an acceptable solution would be if a waterline was placed to the property, the buildings removed, and the soil generally restored" which was basically accepted by EPA.

EPA has issued a ROD on OU-1 that states that the City of Libby accepted this \$15,000 waterline in exchange for the value of \$2 million dollars worth of infrastructure.

You are being set up as the fall guy for this Dan. Senator Baucus announced last week that he has joined the Office of Inspector General (OIG) investigation in this site.

Jim Christiansen sent a letter to the Council on 5-4-05 stating that "all contamination at the export plant was removed", "the property is safe for all uses, there are no specific restrictions on use". Dan, we now have a third of this site fenced because of contamination that was left behind by EPA. That is surface contamination exposed to the wind. This has resulted in increased exposures for our first responders using the site at the David Thompson Search and Rescue building caused by cross contamination of the entire site.

EPA has acknowledged that they have no signed document showing the City of Libby accepted this mess for a waterline. They only cite the decision you and Mr. Spencer made with Mr. Bauers help. Mr. Bauer was the Council President at the time and Mr. Spencer admits that Mayor Berget was not allowed to be involved in decisions on this site so Mr. Bauer had authority to make decisions.

I am forwarding this email to some interested parties and would simply ask that you supply a narrative that explains what your involvement was in the issue so I have the information I need to make decisions on this site.

Thank you for yor consideration in this matter.

Sincerely, Councilman DC Orr